

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MARK D. STROUD

§

VS.

§

CIVIL ACTION NO. 1:12cv266

DIANNA C. CHAISON, ET AL.

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Mark D. Stroud, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends that the claims against defendants William J. Pittman and Gene Kroll be dismissed as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court concludes the objections are without merit. Plaintiff alleges that defendants Pittman and Kroll denied him due process of law in connection with a prison disciplinary proceeding. For the reasons set forth in the Report and Recommendation, plaintiff was not entitled to due process before receiving the punishment imposed as a result of the proceeding.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

ADOPTED. The claim against defendants Pittman and Kroll is **DISMISSED** with prejudice as frivolous and for failure to state a claim upon which relief may be granted.

So **ORDERED** and **SIGNED** this **21** day of **March, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge